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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,930	10/27/2003	Wendell B. Colson	14/US/10	5081

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DORSEY & WHITNEY, LLP
INTELLECTUAL PROPERTY DEPARTMENT
370 SEVENTEENTH STREET
SUITE 4700
DENVER, CO 80202-5647

EXAMINER

PUROL, DAVID M

ART UNIT	PAPER NUMBER
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3634

DATE MAILED: 05/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/694,930	Applicant(s) COLSON ET AL.	
	Examiner David M Purol	Art Unit 3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 May 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 6-9 and 12-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-9 and 12-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3,6-9,12,14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over British Patent No. 1,494,842 in view of Croxen '099. British Patent No. 1,494,842 discloses a sheet of fabric 2,6,10,11,19, at least two strings 3, vanes 1,7,12,13,17. Further disclosed is first and second sheets 29 with elongated strips of material 28,30 secured to and extending therebetween. Regarding the functional recitation of the vanes as capable of assuming an S-shape, Croxen '099 discloses vanes 16 having an S-shape, wherein, to incorporate this teaching into the vanes of British Patent No. 1,494,842 for the purpose of aesthetics would have been obvious to one of ordinary skill in the art. As to the specific type of material from which the sheets are composed of, it is a well settled issue that the selection of a known material based upon its suitability for the intended use would have been obvious to one of ordinary skill in the art. Regarding the use of adhesive for attaching the strings to the sheet, one having ordinary skill in the art would have readily recognized the advantages of adhesive for its explicit purpose of mechanically securing components together.


2. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over British Patent No. 1,494,842 in view of Croxen '099 as applied to claims 1-3,6-9,12,14-16 above, and further in view of Brown '823. While British Patent No. 1,494,842 does not set forth the specifics of the hardware system which supports the covering, Brown '823

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discloses a hardware system which includes a roller 4, wherein, to incorporate this teaching into the hardware system of British Patent No. 1,494,842 for the purpose of supporting the covering would have been obvious to one of ordinary skill in the art.

3. The applicants argue that in the prior art there is no disclosure of vanes which are capable of assuming an S-shaped configuration and are connected on one face or side to a sheet of fabric adjacent an edge thereof and on the opposite face or side adjacent an opposite edge to the strings. This is not convincing for Croxen '099 discloses the teaching of S-shaped vanes and British Patent No. 1,494,842 discloses vanes secured to either sheets of material on each side or to at least two strings along an edge. Each of the references to Croxen '099 and British Patent No. 1,494,842 are from the applicants field of endeavor, wherein, the applicant is presumed to have full knowledge of the prior art in their respective field of endeavor.

4. Any inquiry concerning this communication should be directed to David M Purol at telephone number (571) 272-6833.


David M Purol
Primary Examiner
Art Unit 3634